

REMARKS

Claims 1 and 2 have been examined and have been rejected under 35 U.S.C. § 103(a).

By this Amendment, Applicants has amended claims 1 and 2 for clarification purposes and has added claims 3-10.

As a preliminary matter, the Examiner has objected to figures 3 and 4 since they are not labeled as “Prior Art”. Accordingly, Applicant is submitting substitute formal drawings with this Amendment, and respectfully requests the Examiner to withdraw the objection.

In addition, Applicant has made minor amendments to claims 1 and 2 in order to clarify the language set forth. Such amendments are merely to clarify the language, are not made in response to prior art rejections, and do not narrow the scope of the claims.

Turning to the art rejections, claims 1 and 2 have been examined and have been rejected under 35 U.S.C. § 103(a).

Claim 1

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,803,243 to Nestor et al. (“Nestor”) in view of U.S. Patent No. 5,496,977 to Date et al. (“Date”). However, Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a contact circuit member which includes a first through hole. The Examiner maintains that substrate 58 discloses the claimed contact circuit member (Fig. 1; col. 3, lines 20-30). However, contrary to the Examiner’s assertion, Nestor fails to teach or disclose that substrate 58 contains a through hole. This fact is further demonstrated by Figure 1, which depicts substrate 58 as lacking any type of hole.

In addition, claim 1 recites that an oscillating switch has a cam surface formed on one of an operating knob and a lower casing. In other words, the cam surface is formed on either the operating knob or the lower casing. The Examiner maintains that Nestor discloses such a feature. In particular, the Examiner maintains that grooves 48, 50 and 52 teach the claimed cam surface, keycap 12 teaches the claimed operating knob, and lock arm stabilizer 41 or back cover 70, teach the claimed lower casing (Fig. 1). However, even by assuming *arguendo* that the Examiner is correct, Nestor still fails to disclose every feature recited in the claim. For example, as stated above, the claimed cam surface is formed on an operating knob or lower casing. On the contrary, cam surfaces 48, 50 and 52, as alleged by the Examiner, are disposed on a side surface (face 46) of housing 40 (Fig. 1; col. 2, lines 58-62). Since cam surfaces 48, 50 and 52 are not formed on knob 12 or lower housing 41 or 70, Nestor fails to teach or disclose the positioning of the claimed cam surface.

Accordingly, Applicant submits that Nestor fails to suggest all of the feature set forth by the Examiner in his rejection. Since Date fails to cure the deficient teachings of Nestor, as discussed above, Applicant submits that claim 1 is patentable over the combination of the cited references.

Claim 2

The Examiner has rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Nestor and Date, as applied to claim 1, and further in view of GB 2277199 to Ogawa et al. (“Ogawa”). However, since claim 2 is dependent upon claim 1, and Ogawa fails to cure the

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deficient teachings of Nestor, Applicant submits that such claim is patentable at least by virtue of its dependency.

Applicant has added new claims 3-10 to provide more varied protection of the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Once Amended) An oscillating switch comprising:
 - a lower casing;
 - a contact circuit member provided on the lower casing and including a first through hole;
 - a rubber switch member provided on the contact circuit member and including a pair of rubber contact portions and a second through hole;
 - an upper casing for covering the rubber switch member;
 - an operating knob pivotally supported by the upper casing;
 - pressing portions formed on the operating knob [so as to depress] for depressing the corresponding rubber contact portions, respectively; and
 - a click feeling-producing mechanism, for producing a suitable click feeling when the operating knob is operated, which [passing]passes through the first and second through holes [of the contact circuit member and the rubber switch member], wherein the click feeling-producing mechanism includes,
 - a cam surface formed on one of the operating knob and the lower casing,
 - a pressing element formed on the other of the operating knob and the lower casing, and
 - a urging member for urging the pressing element to the cam surface.

2. (Once Amended) The oscillating switch according to claim 1, wherein the cam surface is formed on a distal end of an operating portion which projects from the operating knob and passes through the first and second through holes [of the contact circuit member and the rubber switch member], and the urging member is received and held in a receiving recess in the lower casing.

Claims 3-10 are added as new claims.